

1 **INMATE IDENTIFICATION AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Karianne Lisonbee**

5 Senate Sponsor: Todd D. Weiler

7 **LONG TITLE**

8 **General Description:**

9 This bill requires the Department of Corrections to assist an inmate with access to
10 identification materials.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ requires the Driver License Division to coordinate with the Department of
14 Corrections in assisting an inmate in obtaining a temporary identification card,
15 renewing or obtaining a duplicate of the inmate's driver license, or extending the
16 inmate's regular identification card;
- 17 ▶ requires the Department of Corrections to:
 - 18 • determine in the inmate's first 15 days of incarceration in a state correctional
19 facility, and six months before an inmate's release, whether the inmate has a
20 current state-issued identification and a copy of the inmate's birth certificate and
21 social security card;
 - 22 • request a copy of the inmate's birth certificate or social security card; and
 - 23 • provide an inmate with necessary personal identification documentation for an
24 application and to assist the inmate in applying for a temporary regular
25 identification card, renewing a driver license or obtaining a duplicate driver
26 license, or extending a regular identification card; and
- 27 ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53-3-214**, as last amended by Laws of Utah 2019, Chapter 381

35 **53-3-805**, as last amended by Laws of Utah 2022, Chapter 158

36 **64-13-1**, as last amended by Laws of Utah 2021, Chapters 85, 246 and 260

37 **64-13-10.6**, as enacted by Laws of Utah 2015, Chapter 412

38 ENACTS:

39 **64-13-10.4**, Utah Code Annotated 1953



41 *Be it enacted by the Legislature of the state of Utah:*

42 Section 1. Section **53-3-214** is amended to read:

43 **53-3-214. Renewal -- Fees required -- Extension without examination.**

44 (1) (a) The holder of a valid license may renew the holder's license and any
45 endorsement to the license by applying:

46 (i) at any time within six months before the license expires; or

47 (ii) more than six months prior to the expiration date if the applicant furnishes proof
48 that the applicant will be absent from the state during the six-month period prior to the
49 expiration of the license.

50 (b) The application for a renewal of, extension of, or any endorsement to a license shall
51 be accompanied by a fee under Section **53-3-105**.

52 (2) (a) Except as provided under Subsections (2)(b) and (3), upon application for
53 renewal of a regular license certificate, provisional license, and any endorsement to a regular
54 license certificate, the division shall reexamine each applicant as if for an original license and
55 endorsement to the license, if applicable.

56 (b) Except as provided under Subsection (2)(c), upon application for renewal of a
57 limited-term license certificate, limited-term provisional license certificate, and any

58 endorsement to a limited-term license certificate, the division shall:

59 (i) reexamine each applicant as if for an original limited-term license certificate and
60 endorsement to the limited-term license certificate, if applicable; and

61 (ii) verify through valid documentary evidence that the status by which the individual
62 originally qualified for the limited-term license certificate has been extended by the United
63 States Citizenship and Immigration Services or other authorized agency of the United States
64 Department of Homeland Security.

65 (c) The division may waive any or all portions of the test designed to demonstrate the
66 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

67 (3) (a) (i) Except as provided under Subsections (3)(b) and (c), the division may renew
68 or extend a regular license certificate or any endorsement to the regular license certificate for
69 eight years without examination for licensees whose driving records for the eight years
70 immediately preceding the determination of eligibility for extension show:

71 (A) no suspensions;

72 (B) no revocations;

73 (C) no conviction for reckless driving under Section 41-6a-528; and

74 (D) no more than six reportable violations in the preceding eight years.

75 (ii) Except as provided under Subsections (3)(b) and (c), the division may renew or
76 extend a provisional license and any endorsement to a provisional license for eight years
77 without examination for licensees whose driving records for the five years immediately
78 preceding the determination of eligibility for extension show:

79 (A) no suspensions;

80 (B) no revocations;

81 (C) no conviction for reckless driving under Section 41-6a-528; and

82 (D) no more than four reportable violations in the preceding five years.

83 (iii) Except as provided under Subsections (3)(b) and (c), the division may renew or
84 extend a limited term license and any endorsement to a limited term license for five years
85 without examination for licensees whose driving records for the five years immediately

86 preceding the determination of eligibility for extension show:

87 (A) no suspensions;

88 (B) no revocations;

89 (C) no conviction for reckless driving under Section 41-6a-528; and

90 (D) no more than four reportable violations in the preceding five years.

91 (b) Except as provided in Subsection (3)(g), after the expiration of a regular license
92 certificate, a new regular license certificate and any endorsement to a regular license certificate
93 may not be issued until the person has again passed the tests under Section 53-3-206 and paid
94 the required fee.

95 (c) After the expiration of a limited-term license certificate, a new limited-term license
96 certificate and any endorsement to a limited-term license certificate may not be issued until the
97 person has:

98 (i) again passed the tests under Section 53-3-206 and paid the required fee; and

99 (ii) presented documentary evidence that the status by which the individual originally
100 qualified for the limited-term license certificate has been extended by the United States
101 Citizenship and Immigration Services or other authorized agency of the United States
102 Department of Homeland Security.

103 (d) A person 65 years of age or older shall take and pass the eye examination specified
104 in Section 53-3-206.

105 (e) An extension may not be granted to any person:

106 (i) who is identified by the division as having a medical impairment that may represent
107 a hazard to public safety;

108 (ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial
109 Driver License Act;

110 (iii) who is holding a limited-term license certificate; or

111 (iv) who is holding a driving privilege card issued in accordance with Section
112 53-3-207.

113 (f) The division shall allow extensions:

114 (i) by mail, electronic means, or other means as determined by the division at the
115 appropriate extension fee rate under Section [53-3-105](#);

116 (ii) only if the applicant qualifies under this section; and

117 (iii) for only one extension.

118 (g) The division may waive any or all portions of the test designed to demonstrate the
119 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

120 (4) In accordance with this section, the division shall coordinate with the Department
121 of Corrections in providing an inmate with access to a driver license certificate as described in
122 Section [64-13-10.6](#).

123 Section 2. Section **53-3-805** is amended to read:

124 **53-3-805. Identification card -- Contents -- Specifications.**

125 (1) As used in this section:

126 (a) "Health care professional" means the same as that term is defined in Section
127 [53-3-207](#).

128 (b) "Invisible condition" means the same as that term is defined in Section [53-3-207](#).

129 (c) "Invisible condition identification symbol" means the same as that term is defined
130 in Section [53-3-207](#).

131 (2) (a) The division shall issue an identification card that bears:

132 (i) the distinguishing number assigned to the individual by the division;

133 (ii) the name, birth date, and Utah residence address of the individual;

134 (iii) a brief description of the individual for the purpose of identification;

135 (iv) a photograph of the individual;

136 (v) a photograph or other facsimile of the individual's signature;

137 (vi) an indication whether the individual intends to make an anatomical gift under Title
138 26, Chapter 28, Revised Uniform Anatomical Gift Act; and

139 (vii) if the individual states that the individual is a veteran of the United States military
140 on the application for an identification card in accordance with Section [53-3-804](#) and provides
141 verification that the individual received an honorable or general discharge from the United

142 States Armed Forces, an indication that the individual is a United States military veteran for a
143 regular identification card or a limited-term identification card issued on or after July 1, 2011.

144 (b) An identification card issued by the division may not bear the individual's Social
145 Security number or place of birth.

146 (3) (a) The card shall be of an impervious material, resistant to wear, damage, and
147 alteration.

148 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is
149 prescribed by the commissioner.

150 (4) At the applicant's request, the card may include a statement that the applicant has a
151 special medical problem or allergies to certain drugs, for the purpose of medical treatment.

152 (5) (a) The division shall include or affix an invisible condition identification symbol
153 on an individual's identification card if the individual, on a form prescribed by the department:

154 (i) requests the division to include the invisible condition identification symbol;

155 (ii) provides written verification from a health care professional that the individual is
156 an individual with an invisible condition; and

157 (iii) submits a signed waiver of liability for the release of any medical information to:

158 (A) the department;

159 (B) any person who has access to the individual's medical information as recorded on
160 the individual's driving record or the Utah Criminal Justice Information System under this
161 chapter; and

162 (C) any other person who may view or receive notice of the individual's medical
163 information by seeing the individual's regular license certificate, limited-term license
164 certificate, or driving privilege card or the individual's information in the Utah Criminal Justice
165 Information System.

166 (b) As part of the form described in Subsection (5)(a), the department shall advise the
167 individual that by submitting the request and signed waiver, the individual consents to the
168 release of the individual's medical information to any person described in [~~Subsections~~
169 ~~(5)(a)(iii)(A) through (C)~~] Subsection (5)(a)(iii), even if the person is otherwise ineligible to

170 access the individual's medical information under state or federal law.

171 (c) The division may not:

172 (i) charge a fee to include the invisible condition identification symbol on the
173 individual's identification card; or

174 (ii) after including the invisible condition identification symbol on the individual's
175 previously issued identification card, require the individual to provide subsequent written
176 verification described in Subsection (5)(a)(ii) to include the invisible condition identification
177 symbol on the individual's extended identification card.

178 (d) The inclusion of an invisible condition identification symbol on an individual's
179 identification card in accordance with Subsection (5)(a) does not confer any legal rights or
180 privileges on the individual, including parking privileges for individuals with disabilities under
181 Section [41-1a-414](#).

182 (e) For each individual issued an identification card under this section that includes an
183 invisible condition identification symbol, the division shall include in the division's database a
184 brief description of the nature of the individual's invisible condition in the individual's record
185 and provide the brief description to the Utah Criminal Justice Information System.

186 (f) Except as provided in this section, the division may not release the information
187 described in Subsection (5)(e).

188 (g) Within 30 days after the day on which the division receives an individual's written
189 request, the division shall:

190 (i) remove from the individual's record in the division's database the invisible condition
191 identification symbol and the brief description described in Subsection (5)(e); and

192 (ii) provide the individual's updated record to the Utah Criminal Justice Information
193 System.

194 (6) As provided in Section [63G-2-302](#), the information described in Subsection (5)(a)
195 is a private record for purposes of Title 63G, Chapter 2, Government Records Access and
196 Management Act.

197 (7) (a) The indication of intent under Subsection [53-3-804\(2\)\(j\)](#) shall be authenticated

198 by the applicant in accordance with division rule.

199 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
200 Management Act, the division may, upon request, release to an organ procurement
201 organization, as defined in Section 26-28-102, the names and addresses of all individuals who
202 under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.

203 (ii) An organ procurement organization may use released information only to:

204 (A) obtain additional information for an anatomical gift registry; and

205 (B) inform applicants of anatomical gift options, procedures, and benefits.

206 (8) Notwithstanding Title 63G, Chapter 2, Government Records Access and
207 Management Act, the division may release to the Department of Veterans and Military Affairs
208 the names and addresses of all individuals who indicate their status as a veteran under
209 Subsection 53-3-804(2)(l).

210 (9) The division and the division's employees are not liable, as a result of false or
211 inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:

212 (a) loss;

213 (b) detriment; or

214 (c) injury.

215 (10) (a) The division may issue a temporary regular identification card to an individual
216 while the individual obtains the required documentation to establish verification of the
217 information described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).

218 (b) A temporary regular identification card issued under this Subsection (10) shall be
219 recognized and grant the individual the same privileges as a regular identification card.

220 (c) A temporary regular identification card issued under this Subsection (10) is invalid:

221 (i) when the individual's regular identification card has been issued;

222 (ii) when, for good cause, an applicant's application for a regular identification card has
223 been refused; or

224 (iii) upon expiration of the temporary regular identification card.

225 (d) The division shall coordinate with the Department of Corrections in providing an

226 inmate with a temporary regular identification card as described in Section [64-13-10.6](#).

227 Section 3. Section **64-13-1** is amended to read:

228 **64-13-1. Definitions.**

229 As used in this chapter:

230 (1) "Behavioral health transition facility" means a nonsecure correctional facility
231 operated by the department for the purpose of providing a therapeutic environment for
232 offenders receiving mental health services.

233 (2) "Case action plan" means a document developed by the Department of Corrections
234 that identifies:

235 (a) the program priorities for the treatment of the offender, including the criminal risk
236 factors as determined by risk, needs, and responsivity assessments conducted by the
237 department; and

238 (b) clearly defined completion requirements.

239 (3) "Community correctional center" means a nonsecure correctional facility operated
240 by the department, but does not include a behavioral health transition facility for the purposes
241 of Section [64-13f-103](#).

242 (4) "Correctional facility" means any facility operated to house offenders in a secure or
243 nonsecure setting:

244 (a) by the department; or

245 (b) under a contract with the department.

246 (5) "Criminal risk factors" means an individual's characteristics and behaviors that:

247 (a) affect the individual's risk of engaging in criminal behavior; and

248 (b) are diminished when addressed by effective treatment, supervision, and other
249 support resources, resulting in a reduced risk of criminal behavior.

250 (6) "Department" means the Department of Corrections.

251 (7) "Direct supervision" means a housing and supervision system that is designed to
252 meet the goals described in Subsection [64-13-14\(5\)](#) and has the elements described in
253 Subsection [64-13-14\(6\)](#).

254 (8) "Emergency" means any riot, disturbance, homicide, inmate violence occurring in
255 any correctional facility, or any situation that presents immediate danger to the safety, security,
256 and control of the department.

257 (9) "Evidence-based" means a program or practice that has had multiple randomized
258 control studies or a meta-analysis demonstrating that the program or practice is effective for a
259 specific population or has been rated as effective by a standardized program evaluation tool.

260 (10) "Evidence-informed" means a program or practice that is based on research and
261 the experience and expertise of the department.

262 (11) "Executive director" means the executive director of the Department of
263 Corrections.

264 (12) "Inmate" means an individual who is:

265 (a) committed to the custody of the department; and

266 (b) housed at a correctional facility or at a county jail at the request of the department.

267 (13) "Offender" means an individual who has been convicted of a crime for which the
268 individual may be committed to the custody of the department and is at least one of the
269 following:

270 (a) committed to the custody of the department;

271 (b) on probation; or

272 (c) on parole.

273 (14) "Restitution" means the same as that term is defined in Section [77-38b-102](#).

274 (15) "Risk and needs assessment" means an actuarial tool validated on criminal
275 offenders that determines:

276 (a) an individual's risk of reoffending; and

277 (b) the criminal risk factors that, when addressed, reduce the individual's risk of
278 reoffending.

279 (16) "Secure correctional facility" means any prison, penitentiary, or other institution
280 operated by the department or under contract for the confinement of offenders, where force
281 may be used to restrain an offender if the offender attempts to leave the institution without

282 authorization.

283 (17) "State-issued driver license" means a driver license issued in accordance with
284 Title 53, Chapter 3, Part 2, Driver Licensing Act, or an equivalent issued by another state.

285 (18) "State-issued identification card" means an identification card issued in
286 accordance with Title 53, Chapter 3, Part 8, Identification Card Act, or an equivalent issued by
287 another state.

288 Section 4. Section **64-13-10.4** is enacted to read:

289 **64-13-10.4. Entry of an inmate -- Identification application requests.**

290 (1) (a) Within 15 days after the date on which an inmate enters incarceration in a state
291 correctional facility, and, if applicable, approximately six months before the date of the
292 inmate's anticipated release as described in Subsection 64-13-10.6(3), the department shall
293 determine whether the inmate has:

294 (i) a certified copy of the inmate's birth certificate;

295 (ii) a copy of the inmate's social security card; and

296 (iii) a current state-issued driver license or state-issued identification card.

297 (b) For any document described in Subsection (1)(a) that the inmate does not possess,
298 the department shall:

299 (i) inform the inmate that each document listed in Subsection (1)(a) may be required to
300 obtain employment upon release;

301 (ii) inquire whether the inmate would like to apply for and obtain any of the documents
302 described in Subsection (1)(a); and

303 (iii) (A) if the inmate accepts assistance in obtaining the documents described in
304 Subsection (1)(a), subject to Subsection (5), provide the assistance described in Subsections (2)
305 through (4) within 30 days after the date on which the inmate accepts assistance; or

306 (B) if the inmate refuses assistance in obtaining the documents described in Subsection
307 (1)(a), maintain a record of the inmate's refusal in the department's electronic file management
308 system.

309 (2) (a) If an inmate was born in the United States and accepts assistance in obtaining a

310 certified copy of the inmate's birth certificate, the department shall:

311 (i) request that the inmate pay the fee for obtaining the certified copy of the inmate's
312 birth certificate; or

313 (ii) if the department determines that the inmate is unable to pay the fee as described in
314 Subsection (2)(a)(i), determine whether funds are available from a private donation and use the
315 private donation to pay the fee.

316 (b) If funds are available to pay the fee for obtaining a certified copy of a birth
317 certificate as described in Subsection (2)(a), the department shall request a certified copy of the
318 inmate's birth certificate from the inmate's state of birth.

319 (3) If an inmate accepts assistance in obtaining a copy of the inmate's social security
320 card and does not have a copy of the inmate's social security card, the department shall
321 coordinate with the Social Security Administration in obtaining a copy of the inmate's social
322 security card, unless the inmate previously requested the maximum number of yearly or
323 lifetime requests.

324 (4) If an inmate accepts assistance in obtaining a state-issued identification card or
325 driver license, the department shall follow the procedure described in Subsection
326 64-13-10.6(4).

327 (5) The requirements of this section do not apply if the inmate is not:

328 (a) a citizen of the United States; or

329 (b) a lawful resident of the United States who has legal authorization to work in the
330 United States.

331 Section 5. Section **64-13-10.6** is amended to read:

332 **64-13-10.6. Transition and reentry of an inmate at termination of incarceration.**

333 (1) The department shall evaluate the case action plan and update the case action plan
334 as necessary to prepare for the offender's transition from incarceration to release, including:

335 (a) establishing the supervision level and program needs, based on the offender's
336 criminal risk factors;

337 (b) identifying barriers to the offender's ability to obtain housing, food, clothing, and

338 transportation;

339 (c) identifying community-based treatment resources that are reasonably accessible to
340 the offender; and

341 (d) establishing the initial supervision procedures and strategy for the offender's parole
342 officer.

343 (2) The department shall notify the Board of Pardons and Parole not fewer than 30 days
344 prior to an offender's release of:

345 (a) the offender's case action plan; and

346 (b) any specific conditions of parole necessary to better facilitate transition to the
347 community.

348 (3) (a) At least six months before the projected date of an inmate's release from
349 incarceration, if practicable, the department shall follow the procedures described in Section
350 64-13-10.4.

351 (b) If the department is notified of the inmate's release and the remaining term of
352 incarceration is for less than six months, the department shall follow the procedures described
353 in Section 64-13-10.4 as soon as practicable after the department receives notification of the
354 inmate's release date.

355 (4) If the inmate's term of incarceration is for longer than six months, the department
356 shall follow procedures described in Section 64-13-10.4:

357 (a) approximately six months before the date of the inmate's anticipated release, if the
358 inmate's term of incarceration is for longer than six months; or

359 (b) as soon as possible, upon notification of the inmate's release, if the release is in
360 shorter than six months.

361 (5) (a) If an inmate accepts assistance in obtaining a current state-issued identification
362 card or driver license, as described in Subsection 64-13-10.4(4), the department shall
363 coordinate with the Driver License Division to:

364 (i) (A) obtain a duplicate of the inmate's state-issued driver license, as described in
365 Section 53-3-215; or

366 (B) renew the inmate's state-issued driver license, if the inmate meets the criteria listed
367 in Section 53-3-214; or

368 (ii) (A) extend the inmate's state-issued regular identification card, as described in
369 Section 53-3-807; or

370 (B) issue the inmate a temporary regular identification card as described in Subsection
371 53-3-805(10), unless the inmate will live outside this state immediately upon release.

372 (b) (i) Subject to Subsection (5)(b)(ii), the department shall ensure that within the last
373 seven days of the inmate's incarceration, the inmate meets with the Driver License Division to
374 be issued a duplicate driver license, a renewed driver license, an extended regular identification
375 card, or a temporary regular identification card, as described in Subsection (5)(a).

376 (ii) If an inmate is released from a facility other than a state correctional facility, the
377 department shall coordinate with that correctional facility and the Driver License Division in
378 assisting the inmate in meeting with the Driver License Division.

379 (c) Before the inmate meets with the Driver License Division, as described in
380 Subsection (5)(b)(i), the department shall ensure that the inmate is provided all required
381 documentation and information the department possesses for the inmate to obtain a document
382 listed in Subsection (5)(a), including:

383 (i) all personal identification documentation; and

384 (ii) a voucher for payment toward any one of the documents listed in Subsection (5)(a),
385 up to the cost of a temporary regular identification card described in Subsection 53-3-805(10).

386 (6) Subsections (4) and (5) do not apply to an inmate that is not:

387 (a) a citizen of the United States; or

388 (b) a lawful resident of the United States and has legal authorization to work in the
389 United States.